

ESTTA Tracking number: **ESTTA19950**

Filing date: **11/23/2004**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Citicorp
Granted to Date of previous extension	11/24/2004
Address	399 Park Avenue New York, NY 10022 UNITED STATES

Attorney information	Jennifer A. Gaeta Wilmer Cutler Pickering Hale and Dorr 399 Park Avenue New York, NY 10022 UNITED STATES jennifer.gaeta@wilmerhale.com Phone:2129377281
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Applicant Information

Application No	78315080	Publication date	07/27/2004
Opposition Filing Date	11/23/2004	Opposition Period Ends	11/24/2004
Applicant	Thude, John F. Jr. 318 E. David Flagstaff, AZ 86001		

	UNITED STATES
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Goods/Services Affected by Opposition

Class 036. All goods and services in the class are opposed, namely: Electronic debit transactions for college and university students
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Related Proceedings	None
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Attachments	Campusnoticeopp.pdf (3 pages)
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Signature	/jennifergaeta/
Name	Jennifer A. Gaeta
Date	11/23/2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Application Serial No. 78/315,080
Published in the Official Gazette of July 27, 2004 at TM 664

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Citicorp,

Opposer,

Opposition No.

v.

John F. Thude, Jr.,

Applicant.

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Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3514

NOTICE OF OPPOSITION

Opposer, Citicorp ("Opposer"), believes that it will be damaged by the registration of the trademark CAMPUS CARD as shown in the above-referenced application and hereby opposes the same. As grounds for opposition, it is alleged that:

1. Applicant John F. Thude, Jr. ("Applicant") has filed an intent-to-use application for registration of the mark CAMPUS CARD in International Class 36 for goods described as "[e]lectronic debit transactions for college and university students".

2. This application was published for opposition on July 27, 2004, and Opposer has timely filed for and the Trademark Trial and Appeal Board has granted two extensions of time to file an opposition until November 24, 2004.

3. Opposer is a Delaware Corporation with its principal place of business located

at 399 Park Avenue, New York, New York 10022.

4. Opposer is a financial services company that, among other things, provides credit card and debit card services to college students and on college campuses. Opposer also owns the registered trademark CITIBANK CAMPUS (Registration No. 2,245,102) for use in connection with “computer software for facilitating access to a world wide computer network” in International Class 9 and “financial services, namely, checking and savings accounts, loans, and credit card services; financial consulting and information services” in International Class 36.

5. Applicant’s CAMPUS CARD mark, if used in connection with “[e]lectronic debit transactions for college and university students,” would be generic and merely descriptive of such services.

6. If Applicant obtains the registration herein opposed, it would thereby obtain a prima facie exclusive right to the use of the CAMPUS CARD mark. Such registration would be a source of damage and injury to Opposer and others in the industry who currently use, or will use, the descriptive designation “campus card” to indicate a credit or debit card for use by college students or on college campuses. If the Board allows registration, Opposer will have to abandon or not commence use of this descriptive and generic term to its detriment and in derogation of its rights to use this descriptive and generic term.

7. Registration should, therefore, be refused pursuant to Section 2(e)(1) of the Trademark Act of 1946, as amended, 15 U.S.C. § 1052(e)(1), on the grounds that Applicant’s CAMPUS CARD mark is a descriptive and generic term.

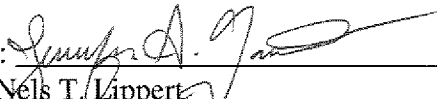
WHEREFORE, Opposer, by its undersigned attorneys, respectfully requests that the Trademark Trial and Appeal Board sustain its opposition to Application Serial No. 78/315,080 and grant any and all further relief to Opposer that the Board finds to be necessary and just in the circumstances.

The Commissioner is hereby authorized to charge the filing fee for this Notice of Opposition and any additional fees to Deposit Account No. 08-0219.

Please recognize as attorneys for the Opposer in this proceeding Nels T. Lippert, Dyan Finguerra-DuCharme and Jennifer A. Gaeta of the firm Wilmer Cutler Pickering Hale and Dorr LLP, 399 Park Avenue, New York, New York 10022.

Respectfully submitted,

WILMER CUTLER PICKERING
HALE AND DORR LLP

By: 
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Attorneys for Opposer Citicorp

DATED: November 23, 2004